

FILE COPY



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

JAN 18 2012

Robert Lowell, Environmental Section Chief
Department of Conservation and Recreation
251 Causeway Street, Suite 600
Boston, Massachusetts 02114

Re: PCB Decontamination and Disposal Approval under
40 CFR §§761.61(a) and (c), and §761.79(h)
Gustave Johnson Memorial Swimming Pool
Fitchburg, Massachusetts

Dear Mr. Lowell:

This is in response to the Department of Conservation and Recreation (DCR) Notification¹ for approval of a proposed plan to address PCB contamination at the Gustave Johnson Memorial Swimming Pool located at 35 Wanoosnock Road in Fitchburg, Massachusetts (the Site). The Site contains PCB-contaminated materials that exceed the allowable PCB levels under 40 CFR §761.20(a), §761.61 and §761.62. Specifically, PCBs have been found in the bath house/office building foundation caulk and building substrates (i.e., concrete) adjacent to the PCB caulk, and in pool deck caulk.

DCR has submitted a plan that includes the following activities:

- o Remove all visible caulk found in the bath house/office building;
- o Remove *porous surfaces* (i.e., concrete) 12 inches from the caulk joint on the interior of the building (concrete floor slab), and 16 inches below the caulk joint in the building footing;

¹ Information was prepared by Resource Controls on behalf of the DCR to satisfy the requirements under 40 CFR §§ 761.61(a) and (c) and § 761.79(h). Information was submitted dated July 18, 2011 (Self-Implementing On-Site Cleanup and Disposal of PCB Waste Plan (SIDP)); October 14, 2011 (Revised SIP and Response to EPA Comments); December 12, 2011 (email Response to Comments (second comments)); and December 15, 2011 (phone conversation with DCR). These submittals shall be referred to as the "Notification".

- Remove *PCB remediation waste* (i.e., soil) from the interior perimeter of the building wall, 12 inches from the caulk joint and to a depth of 16 inches from the top of the footing;
- Dispose of all PCB waste in a TSCA-approved disposal facility or RCRA hazardous waste landfill;
- Conduct sampling of *porous surfaces* adjacent to pool deck caulk to determine the extent of PCB contamination; and,
- Encapsulate pool deck caulk and PCB-contaminated *porous surfaces* (i.e., concrete) with greater than (>) 1 part per million (ppm) with two coats of an elastomeric acrylic-based or epoxy coating.

Based on the EPA's review, the information provided in the Notification meets the requirements under §761.61(a), §761.62(a) and §761.79(h) for removal and disposal of PCB caulk, and abatement of adjacent *porous surfaces* in the bath house/office, and soils; and, under §761.61(c) for encapsulation of the PCB-contaminated caulk and *porous surfaces* in the pool deck. EPA finds that the proposed encapsulation of PCB-contaminated caulk and *porous surfaces* should effectively prevent direct exposure of these materials to Site users provided the physical barriers are maintained. As such, EPA may approve the encapsulation under § 761.61(c).

DCR may proceed with its project in accordance with 40 CFR §§ 761.61(a) and (c); § 761.62; § 761.79(h); its Notification; and, this Approval, subject to the conditions of Attachment 1. Under this Approval, EPA is reserving its rights to require additional investigation or mitigation measures should EPA determine that the encapsulation is not effective in eliminating exposure to PCBs.

In its Notification, DCR indicated that its future objective is to remove and dispose off-site, all PCB contamination with > 1 ppm at the Site. Please note that in the event DCR is unable to meet this objective prior to the 2013 swim season, DCR will be required to submit a long-term maintenance and monitoring plan for encapsulated surfaces and to record a notation on the deed as required under § 761.61(a)(8) (see Attachment 1, Conditions 14 and 22).

This Approval only addresses cleanup and disposal of the *PCB bulk product waste* and *PCB remediation waste* identified in the Notification. In the event DCR identifies other PCB contamination at the Site, including but not limited to, other non-liquid PCB products or PCB-contaminated soils, DCR may modify its plan to clean up these PCBs in accordance with Attachment 1, Condition 16. Otherwise, DCR shall submit a separate plan to address cleanup of the PCB materials in accordance with 40 CFR 761.

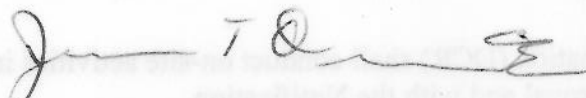
This Approval does not release DCR from any applicable requirements of federal, state or local law, including the requirements related to cleanup and disposal of PCBs or other contaminants under the Massachusetts Department Environmental Protection (MassDEP) and its regulations.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,



James T. Owens III, Director
Office of Site Remediation & Restoration

cc Jesse Krawiec, Resource Controls
MassDEP – Central Region
File

Attachment 1 – PCB Approval Conditions

ATTACHMENT 1:

**PCB DECONTAMINATION AND DISPOSAL APPROVAL CONDITIONS
DEPARTMENT OF CONSERVATION AND RECREATION
GUSTAVE JOHNSON MEMORIAL SWIMMING POOL (the Site)
35 WANOOSNOCK ROAD
FITCHBURG, MASSACHUSETTS**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification.
2. The Department of Conservation and Recreation (DCR) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. DCR must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, DCR shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. DCR is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time DCR has or receives information indicating that DCR or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by DCR are authorized to conduct the activities set forth in the Notification. DCR is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release DCR from compliance with any applicable requirements of federal, state or local law; or 3) release DCR from liability for, or otherwise resolve any violations of federal, state or local law.

NOTIFICATION AND CERTIFICATION CONDITIONS

9. This Approval may be revoked if the EPA does not receive written notification from DCR of its acceptance of the conditions of this Approval within 10 business days of receipt.
10. DCR shall submit the following information for EPA review and/or approval:
 - a. A certification signed by its selected abatement/demolition contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
 - b. A contractor work plan, prepared and submitted by the selected contractor(s), detailing the procedures that will be employed for removal of PCB-contaminated materials, for containment, and air monitoring during removal activities. This work plan should also include information on waste storage, handling, and disposal for each waste stream type and for equipment decontamination;
 - c. A certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.

DECONTAMINATION AND DISPOSAL CONDITIONS

11. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.
12. PCB-contaminated building materials shall be abated and verification sampling and analysis shall be conducted as described below:
 - a. All visible residues of PCB caulk shall be removed and disposed of as described in the Notification.

- b. The cleanup standard for *porous surfaces* (e.g., concrete in the bath house/office building) and bulk *PCB remediation waste* (i.e., soils) shall be less than or equal to (\leq) 1 part per million (ppm).
- i) All post-cleanup verification sampling for *porous surfaces* shall be performed on a bulk basis (i.e., mg/kg) and reported on a dry weight analysis. Verification sampling for *porous surfaces* shall be conducted in accordance with the EPA Region 1 *Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, at a maximum depth interval of 0.5 inches, and with the frequency described in the Notification to confirm that all greater than ($>$) 1 ppm PCB-contaminated *porous surfaces* have been removed.
 - ii) All post-cleanup verification sampling for soils shall be performed on a bulk basis (i.e. mg/Kg) and reported on a dry weight basis. Sampling shall be conducted in accordance with the frequency described in the Notification to confirm that all > 1 ppm PCB-contaminated soils have been removed.
 - iii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.
- c. PCB-contaminated caulk and associated *porous surfaces* with > 1 ppm in the pool deck shall be encapsulated as described in the Notification. Encapsulation of caulk and *porous surfaces* (i.e., pool deck concrete) containing > 1 ppm PCBs shall be conducted as follows:
- i) Prior to encapsulation, DCR shall conduct sampling of *porous surfaces* to delineate the > 1 ppm PCB-contaminated area to be encapsulated.
 - (1) Sampling for *porous surfaces* shall be conducted in accordance with the EPA Region 1 *Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, at a maximum depth interval of 0.5 inches.
 - (2) In the event PCBs at greater than or equal to (\geq) 50 ppm are identified during the sampling, DCR shall contact EPA to determine what, if any, additional measures are required prior to encapsulation of the *porous surfaces*.

- ii) Following encapsulation of the PCB-contaminated *porous surfaces* and caulk, post-encapsulation sampling shall be conducted to determine the effectiveness of the encapsulation. Surface wipe sampling shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e., $\mu\text{g}/100\text{ cm}^2$).
 - iii) Chemical extraction for PCBs shall be conducted using Method 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated according to Subpart Q.
 - iv) In the event that PCB concentrations in the wipe samples are $>1\text{ }\mu\text{g}/100\text{ cm}^2$, DCR shall contact EPA for further discussion and direction on alternatives.
- d. In the event that DCR is unable to clean up PCB-contaminated encapsulated surfaces prior to the opening of the 2013 swim season, DCR shall submit a monitoring and maintenance implementation plan (MMIP) to monitor the long-term effectiveness of the encapsulants. (See Condition 14).
13. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.
- a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

14. If DCR cannot remove encapsulated PCB-contaminated materials prior to the 2013 swim season, DCR shall submit for EPA's review and approval, a detailed MMIP for the surface encapsulants. DCR shall incorporate any changes to the MMIP required by EPA.
 - a. The MMIP shall include: a description of the activities that will be conducted, including inspection criteria, frequency, and routine maintenance activities; sampling protocols, sampling frequency, and analytical criteria; and, reporting requirements, as applicable.
 - b. The MMIP shall include a worker training component for maintenance workers or for any person that will be conducting work that could impact the barriers encapsulating the PCB-contaminated surfaces.
 - c. DCR shall submit the results of these long-term monitoring and maintenance activities to EPA. Based on its review of the results, EPA may determine that modification to the MMIP is necessary in order to monitor and/or evaluate the long-term effectiveness of the barriers.
 - d. Activities required under the MMIP shall be conducted until such time that EPA determines, in writing, that such activities are no longer necessary.
15. DCR shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by DCR to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
16. Any modification(s) in the plan, specifications, or information submitted by DCR, contained in the Notification, and forming the basis upon which this Approval has been issued, must receive prior written approval from the EPA. DCR shall inform the EPA of any modification, in writing, at least ten (10) days prior to such change. No action may be taken to implement any such modification unless the EPA has approved of the modification, in writing. The EPA may request additional information in order to determine whether to approve the modification. If such modification involves a change to the encapsulation plan for the pool deck, which results in exposures not considered in the Notification, the EPA may revoke, suspend, and/or modify this Approval upon finding that the proposed change may pose an unreasonable risk of injury to human health or the environment. EPA may take similar action if the EPA does not receive requested information needed from DCR to make a determination regarding potential risk.

17. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
18. Any misrepresentation or omission of any material fact in the Notification or in any future records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
19. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; if EPA finds that these activities present an unreasonable risk to public health or the environment; if EPA finds that there is migration of PCBs from the Site; or if EPA finds that changes are necessary to comply with new rules, standards, or guidance for such approvals. DCR may apply for appropriate modifications in the event new rules, standards, or guidance comes into effect.

RECORDKEEPING AND REPORTING CONDITIONS

20. DCR shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the decontamination and disposal and the analytical sampling shall be established and maintained by DCR in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
21. As required under Condition 14 of this Approval, DCR shall submit the results of the long-term monitoring and maintenance activities to EPA as specified in the final MMIP to be approved by EPA.
22. In the event that DCR is unable to remove all PCB-contaminated wastes with > 1 ppm from the Site prior to the 2013 swim season, as required under § 761.61(a)(8)(i)(B), DCR shall submit to EPA a certification, signed by a DCR approving official, that DCR has recorded the notation on the deed as required under § 761.61(a)(8)(i)(A). A copy of the notation on the deed must also be submitted.

23. DCR shall submit a final report to the EPA within 90 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities; characterization and confirmation sampling analytical results, including indoor air and surface wipe sampling; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of and the size of the PCB cleanup area(s); copies of manifests and bills of lading; and copies of certificates of disposal or similar certifications issued by the disposer. The Report shall also a certification signed by a DCR official verifying that the authorized activities have been implemented in accordance with this Approval and the Notification.
24. Required submittals shall be mailed to:
- Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100 – (OSRR07-2)
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527
25. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1